

Processing The Arrested Suspect and Preparation For Trial



Session Objectives

Upon successfully completing this session, the participant will be able to:

- Discuss the importance of correct processing and report writing procedures in DWI arrests.
- Discuss the correct sequence of DWI suspect processing procedures.
- Discuss the essential elements of the DWI arrest report.
- Discuss the importance of pretrial conferences and presentation of evidence in the DWI trial.

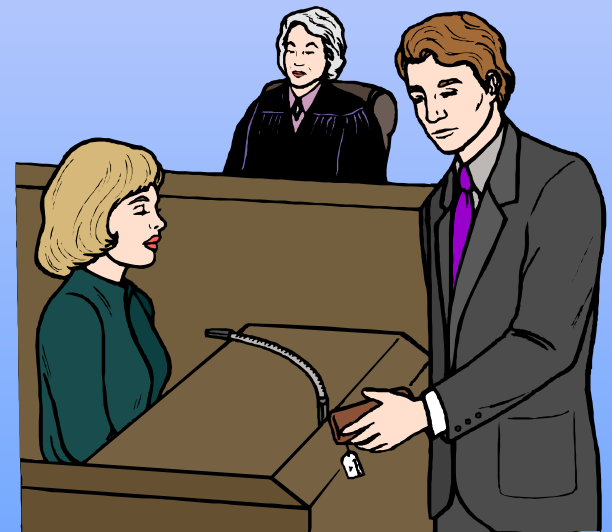
Processing Tasks

- Gather evidence
- Obtain additional evidence
- Follow proper procedures exactly
- Arrest of the offender
- Incarcerate the offender



Essential Ingredients of Prosecution's Case

- Clarity and completeness of officer's observations
- Clear and concise report
- Reasonable grounds for arrest
- Proper arrest procedures
- Rights of accused
- Post-arrest evidence
- Proper request for chemical test(s)
- Chemical test result(s)



Writing the Report

1. Initial observation
2. Vehicle stop
3. Face to face contact
4. Driving or actual physical control
5. Exit the vehicle
6. Standardized field sobriety tests
7. Arrest
8. Disposition of vehicle, people and property
9. Transport of offender



Writing the Report

(continued)

- 10. Evidential testing
- 11. Implied consent/Miranda warning
- 12. Witnesses' statements
- 13. Notifications
- 14. Citation/complaint
- 15. Incarceration or release
- 16. Additional chemical test



DWI Incident Report

Defendant: Mary Katherine Webster Age: 42
Date of Arrest: 4-14-XX Time of Arrest: 4:00 PM

- Initial Observation:
 - Defendant driving silver Jeep
 - Failed to stop for red traffic signal
 - Made wide left turn
 - Occupants loud and boisterous
 - Single lane roadway, light rain, traffic heavy

Pursuit:

- Passenger in right front seat threw beer can at road sign.
- Jeep drifted and swerved in traffic lane.
- Emergency lights activated after following Jeep for 3/4 mile.

Vehicle Stop:

- Jeep slowly pulled to right shoulder.
- Siren activated, Jeep stopped 200 feet later.

Contact with Driver

- Driver appeared nervous and uneasy.
- When asked date of birth, answer was 7-8-24.
- Defendant stated she had been drinking.
- Moderate odor of alcoholic beverage on breath, eyes bloodshot.
- Balance unsteady.

Field Sobriety Tests:

- HGN - Lack of smooth pursuit, distinct and sustained nystagmus at maximum deviation, angle of onset prior to 45 degrees in both eyes.
- Walk and Turn - Stepped off the line, raised arms for balance, missed heel to toe, 10 steps, improper turn and stopped walking.
- One Leg Stand - Stood on right leg, swayed, raised both arms for balance, hopped, jumbled the count.

Based on observations of the defendant's driving, physical appearance, and performance of standardized field sobriety tests, she was placed under arrest for DWI.